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6 || Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 THE BOARD OF TRUSTEES, in their ) No. CV 09 0271 EMC  
capacities as Trustees of the LABORERS )  
12 HEALTH AND WELFARE TRUST FUND ) EX PARTE APPLICATION TO  
FOR NORTHERN CALIFORNIA; ) CONTINUE CASE MANAGEMENT  
13 LABORERS VACATION-HOLIDAY TRUST ) CONFERENCE; [PROPOSED] ORDER  
FUND FOR NORTHERN CALIFORNIA; )  
14 LABORERS PENSION TRUST FUND FOR )  
NORTHERN CALIFORNIA; and LABORERS )  
15 TRAINING AND RETRAINING TRUST )  
FUND FOR NORTHERN CALIFORNIA, )  
16 Plaintiff, )  
17 v. )  
18 BUILDEX, INC., A California Corporation; and )  
19 BUILDEX, INC. doing business as CLEANEX, )  
INC., )  
20 Defendants. )

Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the Case Management Conference scheduled for November 17, 2009 at 1:30 p.m. be continued for 90 days.

Plaintiffs have attempted to serve Defendant via substituted service on the registered agent for service of process. The mail has been returned to the Law Firm as undeliverable. To date, Defendant has not been served.

Based on the above, Plaintiffs respectfully request that the Case Management Conference

1 currently set for November 17, 2009 be continued for 90 days to allow time for Plaintiffs to  
2 effectuate service on Defendant, and then allow Defendant time to answer the Complaint.

3 The above stated facts are set forth in the accompanying declaration of Kristina M. Zinnen  
4 in Support of Ex Parte Application to Continue Case Management Conference, filed herewith.

5 Dated: November 10, 2009

6 WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

7  
8 By: /s/  
9 KRISTINA M. ZINNEN

10 **[PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

11 Based upon the foregoing Ex Parte Application to Continue Case Management Conference,  
12 and Declaration of Kristina M. Zinnen in support thereof, the Court orders the continuance of the  
13 case management conference for 90 days, or as soon thereafter as a court date is available. In  
14 addition, the Court Orders: Case management conference reset for 2/17/10 at 2:30 p.m. A joint  
15 CMC statement shall be filed by 2/10/10. Plaintiff is ordered to  
serve a copy of this order upon defendants.

16  
17 Dated: 11/12/09

18 The Honorable Edward M. Chen  
United States District Court

